

**AGENDA**

**CBA Real Estate Law Section Council**  
**Date: Tuesday, September 19, 2023 – 3:00 p.m.**

**Colorado Bar Association**  
1290 Broadway, Ste. 1700  
Denver, Colorado 80203

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- Call to Order** .....Jim Meseck
- 1. Introductions**.....Jim Meseck
- a. Mr. Jim Meseck welcomed the Members and guests to the meeting.
- 2. Approval of August Minutes** .....Jim Meseck
- a. Ms. Lyndsey O’Connell moved to approve the August Meeting Minutes as presented in the revised Agenda, Ms. Reagan Larkin 2<sup>nd</sup> the motion, which was unanimously approved by Council.
- 3. Financial Report (\$60,836.28 as of August 31, 2023)** .....Zak Kessler
- a. Mr. Zak Kessler presented the financial report.
- 4. Chair’s Report** .....Jim Meseck
- a. Mr. Meseck announced the Happy Hour after the meeting — here in the Bar Association Offices.
- b. Section Council Caucus – Wednesday, October 11, 2023 from 4:00-6:30 PM (Jess Ham)
- i. Ms. Jess Ham stated that Ms. Amy Larson will present on behalf of the Bar Association. The presentation will cover the Strategic Plan for the Bar Association and how sections can work to help the Association reach the goals in the Strategic Plan. She will also cover the new norms that they are seeing across Sections in terms of zoom vs. in-person offerings. Lastly, they will be presenting on a new system to help Sections write welcome letters for new members, which will then automatically get sent to new members when they sign up for a Section.
- c. New Task Force/Liaison Appointments: Nicole Nies, Alyson Jean, Alex Gano, Erin Clark, and Brianna Dowling
- i. Mr. Meseck welcomed the new appointments. Those in attendance introduced themselves.

**5. Action Items:**

- a. Miller v. Amos Amicus Brief Draft ..... Jim Meseck, Deanne Stodden

Ms. Deanne Stodden summarized the current draft of the brief. The Landlord/Tenant Task Force asked for feedback regarding whether the brief should still contain the policy arguments that they are recommending. Ms. Stodden stated that the statute creates problems between which court should hear these cases where the CFHA defense is raised (County vs. District Court). Ms. Stodden noted that most fair housing investigations take 400 or more days, which does not fit the statutory scheme created for the streamlined forcible entry and detainer process. Mr. Damien Cox and Mr. Kessler, among others, think that the policy arguments need to be included in the brief. Ms. Stodden agreed to work with the Landlord/Tenant Task Force to complete the brief for Executive Council review by September 29<sup>th</sup> to meet the filing deadline imposed by the Supreme Court.

**6. Legislative Matters**.....Jim Meseck

- a. Mr. Adam Aldrich noted that Tyler Mounsey and a legislator are working on a legislative fix to the issues created by the Fairways at Buffalo Run case, but it is unclear if the legislator will sponsor the bill in the 2024 session.

**7. In the News**.....Jim Meseck

- a. Mountain Town Short Term Rental Crackdown – Colorado Sun: <https://coloradosun.com/2023/09/05/mountain-town-short-term-rental-crackdown/>
- b. Lawsuit Over Aspen Employee Housing Impact Fee – Aspen Daily News:
- c. [https://www.aspendailynews.com/news/billionaire-challenges-impact-fee-on-mansion-remodel/article\\_856ca3b0-53a3-11ee-97e7-a33774d467cb.html](https://www.aspendailynews.com/news/billionaire-challenges-impact-fee-on-mansion-remodel/article_856ca3b0-53a3-11ee-97e7-a33774d467cb.html)
- d. Grigsby v. Town of Estes Park
- e. Summit County Resort Homes v. Summit County Commissioners

Mr. Meseck stated that all of these cases and issues highlight some of the problematic short-term rental regulations/taxes cropping up throughout Colorado (and elsewhere). Mr. Meseck pointed these out so that the Council Members are aware that these issues exist and could be sources for legislation in the 2024 legislative session. Ms. Carolin Topelson noted that NYC litigation has commenced over rules/laws there that are even more stringent on short-term rental offerings, which may have a chilling effect in other markets.

**REPORTS AND INFORMATIONAL ITEMS**

- 8. Interprofessional Committee** *Reagan Larkin, Lyndsey O’Connell*
- a. Ms. Larkin stated that the Colorado Mortgage Lenders Association is trying to get an affordable/attainable housing forum together with stakeholders from various groups in an effort to get more affordable housing built more quickly with the assistance of local governments.
- 9. Education/CLE Committee** *Joan Fritsche, Miro Kovacevic, Carolin Topelson*
- a. Ms. Joan Fritsche said the Fall Update is scheduled for October 12<sup>th</sup>, and she noted that there are 28 in-person registrants with 23 registered for the remote offering. Topics include the Corporate Transparency Act, a Property 101 Refresher, and a session on best practices and pitfalls associated with translating real estate documents for non-native English-speaking clients. Mr. Steve Nagy thinks that CBA-CLE might have concerns about the lack of in-person registrations, and he thinks as an organizer of these in the past that they represent hours of work for so few attendees. Mr. Nagy offered to ask Ms. Susan McNulty about the difference between this registration and pre-covid numbers, if any.
- 10. Education/Topical Lunches Committee** *Deanne Stodden, John Koechel, Jordan Bunch*
- a. Ms. Stodden noted that last week’s Topical Lunch on the Great Northern case was attended by 52 people online. The Committee is still looking for a presenter for an October lunch. Ms. Stodden stated that they have a lunch CLE on current issues in water law planned for November, and the Committee is still working on one for December.
- 11. Communications Committee** *Joan Fritsche, Josh McMahon, Michelle DeVoe*
- a. Ms. Fritsche explained that the Fall Newsletter is almost complete. The Committee was waiting for the final information on upcoming topical lunches. Ms. Fritsche explained that this year the newsletter in the Fall will feature a new section on the Willis Carpenter Award recipient from the Symposium instead of an article. The Committee will add the updated date for the volunteer event with Habitat for Humanity to the Newsletter before sending it out.
- 12. Publications Committee** *Steve Nagy, Reagan Larkin, Josh McMahon, Eric Snyder*
- a. Mr. Nagy explained the publications plan now for the year, which will include an article soon regarding the tax lien sale process with Constitutional analysis. The Committee is also reviewing a Landlord/Tenant eviction article that needs to be revised because of all the new legislation in the area.
- 13. Community Service/Charitable Committee** *John Koechel, Lisa Connolly, Jordan Bunch*
- a. Mr. John Koechel explained that the Habitat for Humanity build event was to be in Evergreen on 9/25, but Habitat has asked to reschedule it until October. They have yet

to confirm a date. The Committee is looking for more people to volunteer because the event needs at least 20 people. So far there are only between 5-10 people registered.

14. **Affordable Housing Committee** Melinda Pasquini, Erin Clark, Alex Gano, Carolin Topelson, Deanne Stodden, Lyndsey O’Connell, Brianna Dowling
  - a. Ms. Melinda Pasquini appreciates having a full committee, and now they will begin meeting next month.
15. **Membership and Practice Development Committee** Steve Nagy, Miro Kovacevic, Michelle DeVoe, Lisa Connolly
  - a. Mr. Nagy noted they did not have a meeting due to scheduling conflicts.
16. **Landlord/Tenant Task Force** Deanne Stodden, Lyndsey O’Connell, Reagan Larkin, Carolin Topelson, Erin Clark
  - a. Ms. Stodden noted that the Amicus Brief has the Committee’s full attention.
17. **UCC Task Force** Andy Toft, Josh McMahon, Lyndsey O’Connell
  - a. Mr. Andy Toft noted that with the adoption of the portions of the model code in the 2023 legislative session, the Task Force’s work is complete. The new code changes are effective August 7<sup>th</sup>, but all financing statements can be cured before July 1, 2025.
18. **CCIOA Task Force** Joey Lubinski, Miro Kovacevic, Steve Nagy, Josh McMahon, Susanne Leff, Justin Nyberg
  - a. No Update.
19. **CBA Ethics Committee Liaison** Kate Strauss
  - a. No Update.
20. **CBA Tax Section** Tyler Murray
  - a. No Update.
21. **CBA Trust and Estate Section** Chad Rounds
  - a. No Update.
22. **CBA Forms Committee** Nicole Nies
  - a. Ms. Nicole Nies explained that the Contract to Buy/Sell is up for revision this year, but they are not meeting until next month.
23. **Colorado Association of Realtors (CAR):** Damian Cox

- a. No Update.
- 24. CBA Business Section** Andy Toft
- a. Mr. Toft explained that their first meeting of the year will be this month, and he thinks that they will be pushing to get the Colorado Voidable Transaction Act passed, which is similar to the uniform law, but not exactly the same. Mr. Toft thinks that they will try again with Senator Gardner as the main sponsor in 2024.
- 25. Board of Governors** Katy Dunn
- a. No Update.
- 26. CBA Title Standards** Catherine Hance, Geoff Anderson
- a. Ms. Catherine Hance said they are working on a standard dealing with conveyances to trusts from individuals.
- 27. Oil and Gas, Water & Natural Resources Taskforce** Amy Mowry, Jordan Bunch, Michelle DeVoe, John Koechel, Marjorie Sant
- a. No Update.
- 28. Special Districts Taskforce** Joan Fritsche, Lisa Connolly, John Koechel, Doug Tueller
- a. No Update.
- 29. Records Redaction Taskforce** Holly Ryan, Lisa Connolly, Reagan Larkin, Michelle DeVoe, Chuck Calvin
- a. No Update.
- 30. CBA Young Lawyers Division** Dani Kaiser
- a. No Update.
- 31. Regional Membership Liaison** Doug Tueller
- a. Mr. Doug Tueller noted that Montrose seems interested in participating in a forum regarding how local governments can speed up and simplify development and construction approvals. He explained that there is also a desire in these mountain towns to determine how to make affordable housing permitting faster and easier to help create more of it. Mr. Tueller is looking at another event outside of Denver, which would be similar to the Real Estate and Art event held in Telluride a few years ago. Mr. Tueller could see the event focusing on affordable housing and short-term rentals. Mr. Tueller suggested that future Newsletters highlight non-Denver issues like the recent Vail Valley condemnation case between the Town and Vail Resorts or Telluride losing a case with the Colorado Supreme Court over questionable “spot” zoning.

- 32. CBA Cannabis Law Committee Liaison** Alyson Jaen  
a. No Update.

**INACTIVE**

- 33. Eminent Domain** Steve Nagy, Miro Kovacevic, Jody Alderman  
**34. Diversity and Inclusionary Liaison** Eric Nesbit  
**35. Access to Justice Liaison** Andy Toft

**NEW MATTERS**

- 36.** Ms. Stodden brings up an issue with a US Supreme Court decision that has cast some doubt upon the constitutionality of tax deeds. The Colorado Attorney General has generated and Opinion that our law needs to change. Ms. Stodden has requested a copy of the Attorney General Opinion and will circulate it to the Council once received.
- 37.** Ms. Angie Schmitz explained that the CBA-CLE Request for Proposal system for Symposium speakers will be out by early October, and CBA-CLE will send notice of the RFP to the whole Section.

**ADJOURN**

**Real Estate Section Council  
Meeting Schedule  
for 2023-2024**

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August 15, 2023  
September 19, 2023  
October 17, 2023  
November 21, 2023  
December 7, 2023\*  
January 16, 2024  
February 20, 2024  
March 19, 2024  
April 16, 2024\*\*  
May 21, 2024  
June 18, 2024

\*Annual Holiday Party, No Meeting.

\*\*Real Estate Council offsite meeting April 2024.

**ATTENDANCE ROSTER**  
Real Estate Law Section Council  
**August 15, 2023**  
COLORADO BAR ASSOCIATION

In-Person/Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
<b>Officers:</b>			
James M. Meseck – Chair	X		
Angie Schmitz – Vice Chair	X		
Zakary A. Kessler - Secretary	X		
Adam Aldrich – Legislative Policy Officer	X		
Katy Dunn – Board of Governors Representative			X
<b>Members:</b>			
Steve Nagy (2024)	X		
Reagan Larkin (2024)	X		
Deanne Stodden (2024)	X		
Joan Fritsche (2024)	X		
Lyndsey O’Connell (2025)	X		
John Koechel (2025)	X		
Michelle DeVoe (2025)	X		
Miro Kovacevic (2025)	X		
Carolin Topelson (2026)	X		
Lisa Connolly (2026)	X		
Jordan Bunch (2026)	X		
Josh McMahon (2026)	X		
<b>Committees / Liaisons:</b>			
Melinda Pasquini – Affordable Housing Committee Chair	X		
Amy Brimah – Immediate Past Chair RESC	X		
Chad Rounds – Trusts and Estate Liaison	X		
Damian Cox –CAR Liaison	X		
Danielle Kaiser – YLD Liaison			
Tyler Murray – Tax Section Liaison	X		
Alyson Jaen – Cannabis Liaison	X		
Nicole Nies – CBA Forms Committee Liaison			
Catherine Hance –RE Title Standard Committee	X		
Doug Tueller – Regional Liaison	X		
Andrew Toft – Access to Justice Liaison/Business	X		
Kate Strauss- Ethics Committee Liaison			X
Eric Nesbitt- Diversity Liaison/Inclusion Taskforce			X
Amy Mowry – Oil & Gas/Water/Nat’l Resources			X
Justin Nyberg – CCIOA Task Force	X		



<b>Staff &amp; Guests:</b>			
Jess Ham, CBA	X		
Kim Martinez, Stewart Title	X		
Monica Akin, Vivo Wireless	X		
Robin Nolan, Spence Fane	X		
Ahnaleza Lockefer, Avanti Residential	X		
Seth Holley, First American Title	X		
Josh Guerrero, First American Title	X		
Ron Jung, Jung and Associates	X		
Chris Payne	X		
Kimberly Martinez	X		